

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael H. Rock et al. **Examiner:** Brenda Libby Coleman

Application No.: 10/597,977 **Art Unit:** 1624

Filed: September 12, 2006 **Confirmation No.** 8787

Title: Crystalline Forms of a Pharmaceutical Compound

Electronically Deposited:
February 11, 2011

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants submit herewith patents, publications, and other information of which they are aware, which they believe may be material, as defined in 37 C.F.R. §1.56(b), to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. §1.56(a). While the information referred to in this Information Disclosure Statement may be material pursuant to 37 C.F.R. §1.56(b), the filing of this Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to is, or is considered to be, material to the patentability of this invention (37 C.F.R. §1.97(h)). Pursuant to 37 C.F.R. §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information exists. The filing of this Information Disclosure Statement shall not be construed to mean that any patent, publication or other information referred to is, or is considered to be, prior art to this invention.

- (a) This Information Disclosure Statement is filed within the period set forth in §1.97(b) because it was submitted: (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d); (2) within three months of the date of entry of the national stage as set forth in §1.491 in an international application; (3) before the mailing date of a first Office Action on the merits; or (4) before the mailing of a first Office Action after the filing of request for continued examination under §1.114. In the event the first Office Action has been mailed, the Commissioner is authorized to charge any fees under 37 C.F.R. §1.17(p) or credit any overpayment to Account No. 03-1195.
- (b) This Information Disclosure Statement is filed after the period set forth in 37 C.F.R. §1.97(b), but is believed to be filed before the mailing date of a final action under §1.113 or a notice of allowance under §1.311, whichever occurs first.
- (1) The undersigned attorney certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement;
- (2) The undersigned attorney certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned attorney after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement; or

(3) This Information Disclosure Statement is being filed concurrently with payment authorization of the fee set forth in §1.17(p) and required by 37 C.F.R. §1.97(c). Please charge any deficiency or credit any overpayment to Deposit Account No. 03-1195.

(c) This Information Disclosure Statement is filed after the period set forth in 37 C.F.R. §1.97(c), but is believed to be filed before the payment of the issue fee.

(1) The undersigned attorney certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; or

(2) The undersigned attorney certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned attorney after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement; and

(3) This Information Disclosure Statement is being filed concurrently with payment authorization of the fee set forth in §1.17(p) and required by 37 C.F.R. §1.97(d). Please charge any deficiency or credit any overpayment to Deposit Account No. 03-1195.

Respectfully submitted,

Date: February 11, 2011

/ Rona A. Nardone /

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